

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Martin FREUDIGER

Serial No.: 10/532,957

Filed: April 27, 2005

Confirmation No.: 2031

Date: January 28, 2010

Group Art Unit: 1793

Examiner: Paul D. Marcantonio

For: METHOD FOR THE PRODUCTION OF A PLANT-BASED CONSTRUCTION MATERIAL AND CONSTRUCTION MATERIAL OBTAINED BY MEANS OF SAID METHOD

VIA EFS - WEB

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SPECIES ELECTION REQUIREMENT

Sir:

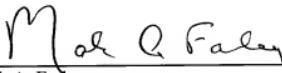
In response to the species election requirement issued on September 28, 2009 with regard to the above-identified application applicant elects, without traverse, the species "Miscanthus (China reed)". Applicant further submits that the elected species is readable on claims 1-10 and 13-16.

Applicant understands that, as set forth at p. 2 of the Office Action, upon the allowance of a generic claim he will be entitled to consideration of claims to additional species which are written in dependent form or which otherwise include all of the limitations of an allowed generic claim as provided by 37 CFR 1.141.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner for Patents is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

Respectfully submitted,



Mark A. Farley
Registration No.: 33,170
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

MAF:stb